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**United States Environmental Protection Agency
Region 1
5 Post Office Square, Suite 100
Boston, MA 02109-3912**

**CERTIFIED MAIL
RETURN RECEIPT REQUIRED**

AUG - 1 2014

Michael Trotto, President
Worcester Sand and Gravel Company, Inc.
182 Holden Street
Shrewsbury, MA 01545

Re: Request for Information Supplement to Docket No. 14-308-04

Dear Mr. Trotto:

On September 18, 2013, a representative from the U.S. Environmental Protection Agency, Region I ("EPA") inspected the Worcester Sand and Gravel Company, Inc. ("WSG") facility located on Holden Street in Shrewsbury, MA ("Facility"). The purpose of the inspection was to evaluate the Facility's compliance with the federal Clean Water Act ("CWA").

On February 4, 2014, EPA sent to the WSG a Request for Information under the authority of Section 308 of the CWA, Docket No. 14-308-04. On March 26, 2014, WSG provided EPA with a response. EPA has completed its review of WSG's response and is requesting additional information and or clarification.

Section 5.0 of the Stormwater Pollution Prevention Plan ("SWPPP"), provided as part of WSG's initial response, indicates process wastewaters from the Facility's sand washing operations, and wastewater from vehicle washing in the Facility's garage have the potential to discharge to surface waters offsite. The SWPPP, in Section 5, states:

As discussed in Section 2.4 [of the SWPPP], the above process water discharge to the drain inlet or potentially to the ponds (identified above) is not currently permitted by the MassDEP. Worcester S&G will either apply for a permit to discharge process water to surface water or conduct Facility improvements to ensure process water from the Facility is not reaching surface water bodies on or off the Facility property. These improvements are required in order to comply with the MSGP and for this SWPPP to be valid.

Process water discharges have never been authorized at the Facility and the 2008 Multi-Sector General Permit for Stormwater Associated with Industrial Activity ("MSGP") explicitly prohibits stormwater discharges mixed with such discharges (see Section 1.1.4.1 of 2008 MSGP which states "Stormwater discharges that are mixed with non-stormwater, other than those non-stormwater discharges listed in Part 1.1.3, are not eligible for coverage under this permit.").

On July 10, 2014, Ms. Julie Scott, P.E., Senior Engineer, Roux Associates, Inc., consultants for WSG, indicated to EPA via email that WSG identified an option for eliminating process water discharges and that NSG would implement this course of action and monitor the effects.

Within 30 days of receipt of this letter, WSG shall submit to Joseph Canzano, Oil Spill Prevention Compliance Coordinator, EPA, Region 1, engineering plan(s) and a narrative description explaining how all process wastewater discharges will be eliminated. In addition, until such time as all process water discharges are eliminated, WSG shall submit copies of all monitoring results related to elimination of such process water discharges to EPA. Provide such information to:

Joseph Canzano, P.E.
Spill Prevention Compliance Coordinator
U.S. Environmental Protection Agency, Region 1
5 Post Office Sq., Suite 100
Mail Code OES04-4
Boston, MA 02109-3912

Please note the EPA reserves its right to take enforcement action pursuant to the CWA, and other applicable laws, including the right to seek penalties, for any violations of the CWA and the related regulations and permits. If you have technical questions regarding this supplemental request, please contact Mr. Canzano, at 617-918-1763, and if you have any legal questions you may contact Mr. Jeffrey Kopf, Senior Enforcement Counsel, at 617-918-1796.

Sincerely,



James Chow, Manager
Technical Enforcement Office
Office of Environmental Stewardship

cc: Julie Scott, PE, Senior Engineer, Roux Associates, Inc.,
John Kronopolous, Massachusetts Department of Environmental Protection



file

United States Environmental Protection Agency
Region I - New England
5 Post Office Square, Suite 100
Boston, MA 02109-3912

Certified Mail
Return Receipt Requested

FEB 07 2014

Michael Trotto, President
Worcester Sand and Gravel Company, Inc.
182 Holden Street
Shrewsbury, MA 01545

Re: Request for Information Pursuant to Sections 308(a) and 311(m) of the Clean Water Act, 33 U.S.C. §§ 1318(a) and 1321(m), Docket No. 14-308-04

Dear Mr. Trotto:

On September 18, 2013 the U.S. Environmental Protection Agency, (the "EPA") inspected the Worcester Sand and Gravel Company, Inc. ("WSG") facility in Shrewsbury, Massachusetts ("the Facility"). The EPA inspector observed deficiencies related to the Facility's oil storage and handling practices, as well as incomplete and or missing documentation required under federal Oil Pollution Prevention regulations at 40 C.F.R. Part 112. In addition, stormwaters and process wastewater discharges from the Facility to surface waters may require a permit under the federal National Pollutant Discharge Elimination System ("NPDES") regulations at 40 C.F.R. Part 122.

Sections 308(a) and 311(m) of the Federal Clean Water Act (the "Act"), 33 U.S.C. §§1318(a) and 1321(m), authorize the EPA to require any owner or operator of a point source to provide information needed to determine whether there has been a violation of the Act. **WSG is hereby required, pursuant to Sections 308(a) and 311(m) of the Act, to respond to this Request for Information (the "Request") within 45 calendar days of receipt of this letter.**

Please read the instructions in Attachment A carefully before preparing your response and answer each question in Attachments B as clearly and completely as possible.

Your response to this Request must also be accompanied by a certificate that is signed and dated by the person who is authorized to respond to the Request. Statement of Certification, Attachment C, is attached. Information submitted pursuant to this Request shall be sent by certified mail, and be addressed as follows:

United States Environmental Protection Agency, Region I
5 Post Office Square, Suite 100
Boston, MA 02109-3912
Attention: Joseph Canzano, Oil Spill Prevention Compliance Coordinator
Water Technical Office, Mail Code OES04-4

and

Massachusetts Department of Environmental Protection
627 Main Street
Worcester, Massachusetts 01608
Attention: John Kronopolous, Chief
Bureau of Waste Prevention

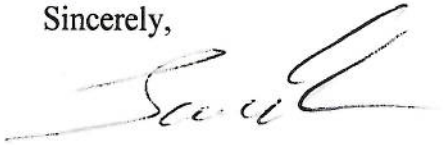
The Small Business Regulatory Enforcement and Fairness Act ("SBREFA") provides small businesses the opportunity to submit comments on regulatory enforcement at the time of an EPA enforcement action. The enclosed Information Sheet contains information regarding your rights, and describes compliance assistance that may be available to you. The Small Business Ombudsman may be reached at 1-800-368-5888. EPA routinely provides this information to businesses whether or not they qualify as small businesses, as defined by the Small Business Administration. Please be aware that availing yourself of this opportunity does not relieve your facility of its responsibility to comply with applicable federal and state laws and regulations.

You may assert a business confidentiality claim with respect to part or all of the information submitted to EPA in the manner described at 40 C.F.R. Part 2.203(b). Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is submitted to EPA, the information may be made available to the public by EPA without further notice to the companies.

Please be advised, compliance with this Request is mandatory. Failure to respond fully and truthfully or to adequately justify any failure to respond within the time frame specified above also constitutes a violation of the Clean Water Act subject to enforcement action, including the assessment of penalties. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal prosecution under 18 U.S.C. § 1001.

If you have any technical questions regarding this Request, you may contact Joseph Canzano, Spill Prevention Compliance Coordinator, at 617-918-1763, or you may have your attorney contact Jeffrey Kopf, Senior Enforcement Counsel, at 617-918-1796.

Sincerely,

A handwritten signature in black ink, appearing to read "James Chow", with a stylized flourish at the end.

James Chow, Manager
Technical Enforcement Office
Office of Environmental Stewardship

Attachments

cc: John Kronopolous, MassDEP
Jeffrey Kopf, Senior Enforcement Counsel, EPA Region 1
Doug Koopman, NPDES State Coordinator, EPA Region 1
Joseph Canzano, Spill Prevention Compliance Coordinator, EPA Region 1

Attachment A

Information Request Instructions

1. Provide a separate narrative response to each and every question and subpart of a question set forth in this Request. Precede each answer with the text and the number of the question and the subpart to which the answer corresponds.
2. If any question cannot be answered in full, answer to the extent possible. If your responses are qualified in any manner, explain.
3. Any documents referenced or relied upon by you to answer any of the questions in the Request must be copied and submitted to EPA and to the Massachusetts Department of Environmental Protection ("MADEP") with your response. All documents must contain a notation indicating the question and subpart to which they are responding. If the documentation that supports a response to one item duplicates the documentation that supports another item, submit one copy of the documentation and reference the documentation in subsequent responses.
4. If information or documents not known or not available to you as of the date of the submission of the response to this Request for Information should later become known, or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is inaccurate or incomplete, you must notify the EPA and the MADEP of this finding as soon as possible and provide a corrected response.

Attachment B

General Business and Ownership Information Questions

1. General Business and Ownership Information Questions:
 - a. Specify the full legal name(s) with exact spelling, the business mailing address, and telephone number, and address of Worcester Sand and Gravel Company, Inc. ("WSG"). If incorporated, specify the state of incorporation and the principal place of business. If a partnership, provide the names and addresses of all the partners. If WSG has a parent company, please list the parent name and address.
 - b. Provide a list of all WSG facilities and their addresses in New Hampshire, Vermont, Maine, Massachusetts, Connecticut and Rhode Island ("New England"). In addition, provide a list of all facilities in New England that are owned or operated by a subsidiary of WSG. Provide all names under which each facility does business.
 - c. Specify the entity or entities that own or have owned each of the WSG facilities located throughout New England from January 1, 2009 to the present. If any transfer of ownership has occurred, specify the owner(s) prior to and following the transfer, and the date of transfer.
2. Provide a flow chart/diagram that illustrates the corporate and management structure of WSG, its parent company, and its subsidiaries. Please identify who has responsibility for environmental compliance within each organization.
3. From January 1, 2009 to the present, provide a separate response to the following general industrial process wastewater questions:
 - a. Identify all unit operations¹ that generate process wastewater.
 - b. For each unit operation that generates process wastewater, provide an estimated or actual daily maximum and monthly average flow rate (in gallons) for each discharge. If flow rates are estimated, provide assumptions and rationale.
 - c. Provide a copy of all permits issued for process and or combined stormwater wastewater discharges and analytical discharge results.

¹ For the purpose of this letter, an "operation" is a complete manufacturing or individual industrial process such as, but not limited to, equipment cleaning and rinsing, material contact and noncontact cooling, metal plating and finishing, painting, wastewater and water treatment and or recycling, stockpile drag-out and residual fluids draining, building and floor washing, floor drain, piping and trench cleaning, etc.

Results shall be provided in chronological order using tabular format and organized by outfalls.

- d. Describe all pollution control equipment and systems (i.e., settling tanks and pits, pipes, catch basins and sedimentation or filtering media, swales, vegetated strips, and or bioretention ponds) along the wastewater flow path from the source to the discharge point.
 - e. For each identified unit operation which generates a process wastewater, show on a site diagram, the exact location and drainage area on the property where the operation is conducted. In addition, explain and show the hydrological path for wastewater flows from the unit operation to the ultimate discharge point; include/show any pipes and manholes, culverts and ditches, basins and outfall structures, tanks and pumps, etc.
 - f. Explain in detail, and show on the site diagram, all locations where there was, or continues to be, an actual or potential for process wastewaters to discharge from the facility to surface waters.
 - g. If there have been any modifications or changes to process wastewater flows and or pollution control equipment, describe each modification in detail, including dates of such modifications. Also explain the reasons for the change(s) and provide the total and itemized costs for the change(s).
4. From January 1, 2009 to the present, provide a separate response to the following general stormwater questions:
- a. The date of application for stormwater permit coverage (Notice of Intent), date of permit authorization and or issuance and date of permit expiration for all permits.
 - b. A copy of each facility's current stormwater management plan (such as the Stormwater Pollution Prevention Plan ("SWPPP")). State when the original plan was prepared and dates for all revisions in chronological order using tabular format.
 - c. The name(s) of each qualified person responsible for the implementation of the stormwater management plans. This includes, but is not limited to, personnel who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility, and who can also evaluate the effectiveness of control measures. Provide documentation that indicates the person(s) qualification, education and or training certificates.
 - d. The name of each personnel who conduct storm water inspections, monitoring, maintaining Best Management Practices ("BMPs"), recordkeeping and updating of the plans. For each person listed, provide

employee training records relating to stormwaters, the person's title and responsibilities, period of employment, and whether the individual is/was an employee or contractor.

- e. Provide the following documents and information in chronological order:
- (i) *Annual Comprehensive Site Inspections*. If inspections have not been conducted and documented, explain why;
 - (ii) *Quarterly Outfall Visual Assessment Inspections* for each outfall. If inspections have not been conducted and documented, explain why;
 - (iii) *Routine Facility Inspections*. If inspections have not been conducted and documented, explain why;
 - (iv) Effluent stormwater analytical monitoring results and applicable Chain-of-Custody forms including benchmark monitoring. For each result, indicate from which facility and outfall the sample was collected. Please note nomenclature used to describe each outfall and be as specific as possible when providing a response for this question. Monitoring results shall be provided in chronological order for each facility and each outfall using tabular format.
- f. List and describe, in detail, all industrial activities²; include the period of time and dates during which the activities occurred or continue to occur, and provide the following:
- (i) State which industrial activities are exposed to stormwater. If the activity is not exposed to stormwater, describe the control measure(s)³ which prevents the activity from being exposed (e.g., roof assembly, tarpaulin, fixed or portable structures).
 - (ii) For industrial activities conducted outside, describe all specific control measures that were, or are currently being used to minimize pollutant discharges in stormwaters. Include operation and maintenance schedules for each control measure.

² For the purpose of this letter, an "industrial activity" means the 10 categories of industrial activities included in the definition of "stormwater discharges associated with industrial activity" as defined in 40 CFR 122.26(b)(14)(i)-(ix) and (xi), and includes, but is not limited to, blasting, crushing and extraction of materials, quarry pumping, outdoor material storage and stockpiling, aggregate and sand washing, vehicle and equipment washing, cleaning and maintenance, washout pits and ponds, fuel-oil loading and unloading, etc.

³ Control measure refers to any Best Management Practice ("BMP") or other method used to prevent or reduce the discharge of pollutants to surface waters.

- (iii) If there have been any corrective actions/changes to industrial activities that are exposed to stormwater and or the activities' source control measures, describe the conditions of the activity and measure pre and post each change, detailed reason why the change was made and the dates when the change was originally identified and made. Also, provide the total cost to implement each change.
 - (iv) In detail, list and describe each stormwater discharge to surface water or wetlands, and its ultimate discharge location. Name the receiving surface water or wetlands. If unknown, identify the unnamed surface water, and the nearest named surface water or wetland to which the unnamed water flows. If stormwater is not discharged directly to surface waters or wetlands (i.e., collected in a detention basin, swales, catch basins, or garage bays), describe the pathway of the stormwater flow including the immediate and ultimate destinations and the means of conveyance. If the discharge of stormwater has changed, provide a description of the changes and include the period of time and dates when the discharge changed.
- g. Provide a detailed site diagram that meets the conditions set forth in Part 5.1.2 of EPA's October 28, 2008 Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (the "2008-MSGP"). The diagram shall clearly show and label:
- (i) Industrial activities and materials which have exposure to stormwater.
 - (ii) Means by which stormwater flows off the site (e.g., pumped or by gravity).
 - (iii) Provide an estimate or, if available, an actual volumetric flow rate (in gallons per month) from each discharge and the minimum rain storm intensity event(s) that will produce a stormwater discharge.
 - (iv) Drainage diversion and control structures (e.g., detention basins and catch basins, outfall structures and drainage swales, oil/water separators) in place to reduce pollutants discharged off the site.
 - (v) Surface waters and wetlands.
 - (vi) The location of each stormwater discharge and whether it reaches surface water or wetlands.
 - (vii) Industrial activities which generate process wastewaters and

ultimate discharge location(s).

5. General Spill Prevention, Control and Countermeasure ("SPCC") Questions:

- a. Provide the aggregate shell capacity of all above ground oil tanks and containers equal to or greater than 55 gallons in size. Under 40 C.F.R. §112.2, "oil" is defined as oil of any kind or in any form including, but not limited to, petroleum, fuel oil, sludge, oil refuse and oil mixed with wastes other than dredged spoil.
- b. Explain whether the facility is subject to the Oil Pollution Prevention regulations based on the thresholds set forth in 40 C.F.R. §112.1(d)(1) (i.e., the SPCC-regulated underground oil storage capacity of a facility is greater than 42,000 gallons -or- the aboveground oil storage capacity of a facility is greater than 1,320 gallons), and the date the facility first started having the capacity to store oil above the SPCC regulatory threshold.
- c. If the facility is updating its SPCC Plan post-inspection or post-reception of this Information Request letter, include the following information:
 - (i) The cost of preparing the revised Plan.
 - (ii) The cost of implementing the Plan (including, but not limited to, the cost of constructing containment, the cost of conducting formal internal integrity and external inspections and testing).
 - (iii) The ongoing annual or periodic costs for implementing the Plan (including, but not limited to, training, inspections, testing, and record keeping).

6. The following are further site specific questions for the Facility in Shrewsbury, Massachusetts, and or are questions that relate to observations made by EPA during the September 18, 2013 inspection.

- a. Describe what type of business WSG is primarily engaged in. What is the Facility's primary Standard Industrial Classification ("SIC") code?
- b. Describe any secondary business activities conducted by WSG. Describe any SIC codes that apply to secondary activities conducted at the Facility.
- c. Describe what activities/operations generate the most revenue for WSG.
- d. List the revenues for WSG for each of the past three years.
- e. How many employees work for WSG? Describe what activity/ies most of the employees are engaged in.

- f. Describe any sand or gravel mining activities that has occurred at the Facility within the past five years. If no sand and gravel mining activity has occurred at the Facility within the past five years, describe when such activities ceased.
- g. If sand and gravel mining activities have ceased, describe whether formal reclamation activities occurred to stabilize the inactive mine, and what those activities were.
- h. Describe whether there still exist any stockpiles of material from the sand and gravel mining operations at the Facility.
- i. In responding to the following question, please refer to photograph 1 in Attachment D (showing a manhole with an open drain located next to the Facility's scale house). Describe the drainage area of the Facility that contributes runoff flow to the drain and the ultimate discharge location for waters which enter this drain.
- j. During EPA's September 18, 2013 inspection, the EPA inspector noted several deficiencies in the vehicle maintenance garage related to oil storage tanks and or piping and transfer systems. Photographs 2 through 11 in Attachment D show fuel line leaks, oil staining on and around the sides of tanks, spilled oil on the floor of the garage, oil staining on the ground and on the exterior of building, tanks without sized secondary containment, compromised tank supports, tank welding and alterations, tank corrosion, and no spill containment equipment.

Provide a response that addresses and itemizes any post corrective actions taken by the Facility to comply with EPA's Oil Pollution Prevention Regulations. Please submit photographs which demonstrate improvements to deficiencies identified during the inspection.

In addition, your response shall include a detailed tank inspection schedule for each aboveground oil tank. The schedule shall be prepared in accordance with good engineering practices and industrial standards applicable to storage and handling of flammable and combustible materials. Industrial standards include, but are not limited to, Steel Tank Institute, Standard for the Inspection of Aboveground Storage Tanks, SP001, September 2011, 5th Edition.

End of Questions

Attachment C

Statement of Certification

Worcester Sand and Gravel Company, Inc.
182 Holden Street
Shrewsbury, MA 01545

Docket No. 14-308-04

Complete and Include With Your Response

I declare under penalty of perjury that I am authorized to respond on behalf of the Worcester Sand and Gravel Company, Inc. ("WSG"). I certify that the foregoing responses and information submitted were prepared by me, or under my direction or supervision and that I have personal knowledge of all matters set forth in the responses and the accompanying information. I certify that the responses are true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

By _____
(Signature)

(Title)

(Date)

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Attachment D

Worcester Sand & Gravel
Shrewsbury, MA

Photographs

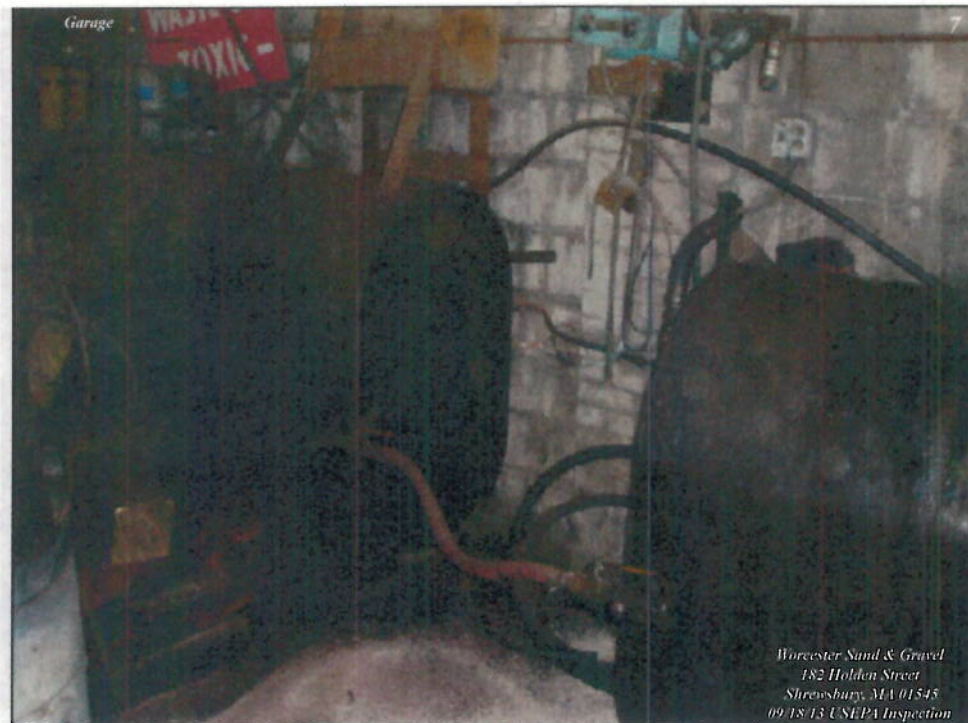
from

September 18, 2013 Inspection

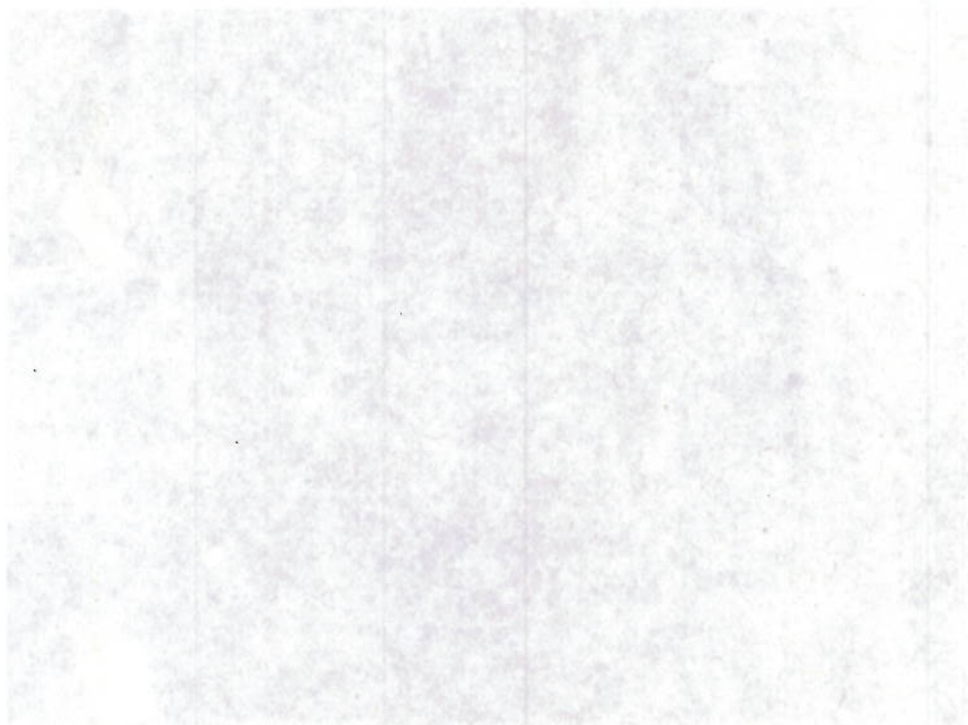












U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources, including workshops, training sessions, hotlines, websites and guides, to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

EPA's Small Business Websites

Small Business Environmental Homepage - www.smallbiz-enviroweb.org

Small Business Gateway - www.epa.gov/smallbusiness

EPA's Small Business Ombudsman - www.epa.gov/sbo or 1-800-368-5888

EPA's Compliance Assistance Homepage

[www.epa.gov/compliance/assistance/
business.html](http://www.epa.gov/compliance/assistance/business.html)

This page is a gateway to industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

EPA's Compliance Assistance Centers

www.assistancecenters.net

EPA's Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

Agriculture

www.epa.gov/agriculture/

Automotive Recycling

www.ecarcenter.org

Automotive Service and Repair

www.ccar-greenlink.org or 1-888-GRN-LINK

Chemical Manufacturing

www.chemalliance.org

Construction

www.cicacenter.org or 1-734-995-4911

Education

www.campuserc.org

Food Processing

www.fpeac.org

Healthcare

www.hercenter.org

Local Government

www.lgean.org

Metal Finishing

www.nmfrc.org

Paints and Coatings

www.paintcenter.org

Printed Wiring Board Manufacturing

www.pwbrc.org

Printing

www.pneac.org

Ports

www.portcompliance.org

U.S. Border Compliance and Import/Export Issues

www.bordercenter.org

Hotlines, Helplines and Clearinghouses

www.epa.gov/epahome/hotline.htm

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Some examples are:

Antimicrobial Information Hotline

info-antimicrobial@epa.gov or
1-703-308-6411

Clean Air Technology Center (CATC) Info-line

www.epa.gov/ttn/catc or 1-919-541-0800

Emergency Planning and Community Right-To-Know Act

[www.epa.gov/superfund/resources/
infocenter/epcra.htm](http://www.epa.gov/superfund/resources/infocenter/epcra.htm) or 1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline

www.epa.gov/otaq/imports or
734-214-4100

National Pesticide Information Center

www.npic.orst.edu/ or 1-800-858-7378

National Response Center Hotline - to report oil and hazardous substance spills

www.nrc.uscg.mil or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC)

www.epa.gov/opptintr/ppic or
1-202-566-0799

Safe Drinking Water Hotline

[www.epa.gov/safewater/hotline/index.
html](http://www.epa.gov/safewater/hotline/index.html) or 1-800-426-4791

Stratospheric Ozone Protection Hotline

www.epa.gov/ozone or 1-800-296-1996

Toxic Substances Control Act (TSCA) Hotline

tsca-hotline@epa.gov or 1-202-554-1404

Wetlands Information Helpline

www.epa.gov/owow/wetlands/wetline.html or 1-800-832-7828

State and Tribal Web-Based Resources

State Resource Locators

www.envcap.org/statetools

The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

State Small Business Environmental Assistance Programs (SBEAPs)

www.smallbiz-enviroweb.org

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits. The website is a central point for sharing resources between EPA and states.

EPA's Tribal Compliance Assistance Center

www.epa.gov/tribalcompliance/index.html

The Center provides material to Tribes on environmental stewardship and regulations that might apply to tribal government operations.

EPA's Tribal Portal

www.epa.gov/tribalportal/

The Portal helps users locate tribal-related information within EPA and other federal agencies.

EPA Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

EPA's Small Business Compliance Policy

www.epa.gov/compliance/incentives/smallbusiness/index.html

This Policy offers small businesses special incentives to come into compliance voluntarily.

EPA's Audit Policy

www.epa.gov/compliance/incentives/auditing/auditpolicy.html

The Policy provides incentives to all businesses that voluntarily discover, promptly disclose and expeditiously correct their noncompliance.

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247), or go to their website at www.sba.gov/ombudsman.

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provis